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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,982	04/23/2007	Mogens Mathiesen	43315-232647	8441

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EXAMINER
TRUONG, DENNIS

ART UNIT	PAPER NUMBER
2169	

MAIL DATE	DELIVERY MODE
04/06/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	*10/583,982*	MATHIESEN ET AL.
	Examiner	**Art Unit**	
	DENNIS TRUONG	2169	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>22 March 2010</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: **(1)** an amendment, affidavit, or other evidence, which places the application in condition for allowance; **(2)** a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or **(3)** a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1,3-13 and 15-22*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Tony Mahmoudi/ ~~Supervisory Patent Examiner, Art Unit 2169~~	/Dennis Truong/ Examiner, Art Unit 2169

Continuation of 11. does NOT place the application in condition for allowance because:

On page 11 Applicant argues that Vines does not suggest a portable computing device however Meeker was relied upon to disclose a portable computing device shown in (col. 5 lines 46-49) "Portable processing device 38 is a conventional handheld computer having a screen and keyboard. Device 38 has a port adapted to connect to central processing system 32". And it would be obvious to one skilled in the art at the time of the invention made to incorporate the teaching of Meeker into the teaching of Vines because one of the ordinary skill in the art would have been motivated to use such a modification for the purpose of monitoring and performing at least all of the test, diagnosis tic, and maintenance operations without being restricted to one location increasing mobility.

Furthermore Applicant argues that Vines does not suggest configuring a software entity recorded on a computer readable medium with an identity of the selected equipment, plant, or process, the softer ware entity including links to information regarding all equipment, plant , process monitored and controlled by the control system. Examiner cited (col. 4 lines 21-32) which discloses a DMM configurator which is the claimed software entity. Also discloses is the display window 450b which allows for selection and linking for monitoring and tracking process variables.

Also Applicant argues that Vines fails to suggest retrieving contact information for internal users having technical knowledge about a selected equipment, plant or process, and contacting the internal users about the selected equipment, plant or process of the maintenance user cannot address the new event or alarm with the retrieved information. Examiner cited col. 5 lines 57-col. 6 lines 2, which discloses a operator who monitors the equipment, tracks the history of the work that has been done and generates work orders upon a problem that arises which shows that the operators is well involved in the maintenance process and can be interpreted as a maintenance user whom cannot address the new event or alarm with the retrieved information as claimed. Examiner also interprets the "crew assigned to do the work" as the internal user having technical knowledge about a selected equipment since the crew was selected to do the work it should be understood that the crew has technical knowledge about eh selected equipment. It is also disclosed that the operator can access "problem description" and "problem codes associated with a piece of equipment" which is interpreted as technical information for use in addressing an event or alarm associated with selected equipment.

As for the proposed amendments, and the addition of an "external user" within the contact information, further search and consideration is required for the added limitation.